

**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

October 16, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; a representative from the Office of the County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor Randy Hanvelt led the Pledge of Allegiance.

Oral Comm-
Ag Workshop

Paul Rainey of the Ag Commissioners, addressed the Board and announced the upcoming Rangeland Weed Control and Pesticide Regulation Workshop on October 31, 2012 responded to questions from the Board.

Oral Comm-
Elections

Deborah Bautista, County Clerk and Auditor-Controller, addressed the Board and announced corrections on mail in ballots, reminded the public on the deadline to register to vote and responded to questions from the Board.

Oral Comm-
TUD

Ron Ringen, Tuolumne Utilities District (TUD) Board Member, addressed the Board and gave an update on TUD

Oral Comm-
School Food
Program

Margaret Klein, Tuolumne County Master Gardener, addressed the Board on the school food program.

Board consensus to extend past the 15 minute oral commission time period.

Liz Miller, Teacher at Curtis Creek Elementary School; Joane Job, Leader of the Cal-SAFE Program; Chris Means, Student of the Cal-SAFE Program; addressed the Board.

Oral Comm-4H
Program

Peter Tidball, 4-H All Star Leader; Danny Hamilton, 4H All Star Leader, Brittney Gilles, 4H All Star Leader; and Grace Bloom, 4H All Star Leader, addressed the Board on 4-H Events in Tuolumne County.

Dakota Siebert, 4H California State Ambassador, addressed the Board and thanked the Board for their support and announced his goals for the future.

Consent Calendar

Minutes

1. Minutes of the meeting held September 18, 2012.

Agree-Granicus

2. Approving the Agreement with Granicus for live video streaming in the amount of \$8,825 and monthly maintenance in the amount of \$1,169, authorizing the Chair to sign.

Class Specs.
County Counsel

3. Approving proposed visions to the County Counsel Classification Specifications.

The Clerk announced the item to consider approving proposed revisions to the Classification Specifications for Equipment Technician I/II, Senior Equipment Technician, and Civil Engineer I/II Senior, has been pulled and will be heard at a later date.

George Segarini, Member of the Board of Directors of Cable 8 addressed the Board.

Discussion ensued.

It was moved by Supervisor Gray, seconded by Supervisor Bass, to approve the consent calendar.

Daniel Richardson, Deputy County Administrator, responded to questions from the Board.

Motion carried unanimously.

Ltr-Ratto Ranch
Conserv.
Easement

Tracie Riggs, Administrative Analyst, requested consideration of approving correspondence supporting establishing the Ratto Ranch Conservation Easement, and responded to questions from the Board.

Carlyn Drivdahl, Deputy County Counsel, responded to questions from the Board.

Alton McRea addressed the Board.

Dan Appleby, addressed the Board responded to questions from the Board.

It was moved by Supervisor Pland, seconded by Supervisor Bass, and carried by unanimous vote, to approve correspondence supporting establishing the Ratto Ranch Conservation Easement, authorizing the Chair to sign.

Ltr-Pinecrest
Level

Ms. Riggs requested consideration of approving correspondence commenting on the Pinecrest Lake level and responded to questions from the Board, responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Pland, and carried by unanimous vote, to approve correspondence commenting on the Pinecrest Lake level, authorizing the Chair to sign.

BOS Goals
3rd Qtr Rpt

Craig Pedro, County Administrator, requested consideration of approving the 3rd Quarter Status Report on the Board of Supervisors Goals of 2012 and responded to questions from the Board.

Discussion ensued.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to approve the 3rd Quarter Status Report on the Board of Supervisors Goals of 2012.

CRA-Fee Waiver
Parrotts Ferry
Village

Supervisor Hanvelt declared a conflict of interest and left the dais at 10:18 a.m.

Sheila Shanahan, Housing Program Coordinator, requested consideration of authorizing the waiver of all current and future County of Tuolumne Building and Safety Division Fees for Parrotts Ferry Village as permitted by Section 3.40.010(W)(29)(c) of the Tuolumne County Ordinance Code and responded to questions from the Board.

Beverly Shane, Community Resources Agency Director, responded to questions from the Board.

Discussion ensued.

Betsy Hardin, Executive Director of Tuolumne County for Habitat of Humanity, addressed the Board.

On motion of Supervisor Bass, seconded by Supervisor Gray, the following resolution was adopted by 4-0 vote with Supervisor Hanvelt being absent.

Resolution No. 62-12

Authorizing the waiver of all current and future County of Tuolumne Building and Safety Division Fees for Parrotts Ferry Village as permitted by Section 3.40.010(W)(29)(c) of the Tuolumne County Ordinance Code.

The Board recessed at 10:27 a.m., and reconvened at 10:37 a.m. with Supervisor Hanvelt in attendance.

Agree-Anwyl,
Scofield & Stepp

Sarah Carrillo, Acting County Counsel, requested consideration of approving a Retainer Agreement for the Law Offices of Anwyl, Scofield & Stepp, LLP, to represent the County of Tuolumne in the lawsuit entitled Cynthia Phillips vs. County of Tuolumne; Tuolumne County Superior Court Case Nos. CV57529 and CV57720.

It was moved by Supervisor Bass, seconded by Supervisor Royce, and carried by unanimous vote, to approve a Retainer Agreement for the Law Offices of Anwyl, Scofield & Stepp, LLP, to represent the County of Tuolumne in the lawsuit entitled Cynthia Phillips vs. County of Tuolumne; Tuolumne County Superior Court Case Nos. CV57529 and CV57720, authorizing the County Counsel to sign.

Agree-L/O
Spinelli, Donald
& Nott

Ms. Carrillo requested consideration of approving an Attorney Fee and Retainer Agreement for the Law Offices of Spinelli, Donald and Nott, APC to represent the County of Tuolumne in the lawsuit entitled Richard Ennis vs. County of Tuolumne, et al., Tuolumne County Superior Court Case No. CV57664 and responded to questions from the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, and carried by unanimous vote, to approve an Attorney Fee and Retainer Agreement for the Law Offices of Spinelli, Donald and Nott, APC to represent the County of Tuolumne in the lawsuit entitled Richard Ennis vs. County of Tuolumne, et al., Tuolumne County Superior Court Case No. CV57664, authorizing the County Counsel to sign.

Reports-Bass

Supervisor Bass reported that on October 3, 2012, she attended a Housing Loan Review Committee meeting and a Behavior Health Advisory Committee meeting; on October 6th, she attended the Kids Art Studies Academy (KASA) open house and visited the Master Gardeners Demonstration Garden; on October 15th, she attended the Oversight Board; attended a meeting regarding the Recreation Sustainability Plan; and reported on upcoming Tuolumne County Youth Commission activities.

Reports-Hanvelt

Supervisor Hanvelt reported that on October 2, 2012, he met with Shelley Hance of Amador-Tuolumne Community Action Agency (ATCAA), attended a TuCare Board meeting and a Birthday party; on October 3rd, he met with Rick Burkhard of APS Solar and he attended Supervisor Royce's Birthday party; on October 4th, he attended the State Water Resources Control Board and Tuolumne Utilities District (TUD) meeting and the Central Sierra Planning Council and Central Sierra Economic Development District Board meeting; on October 5th, he met with constituents; on October 8th, he attended a Tuolumne County Farm Bureau meeting; on October 9th, he met with constituents, attended a Natural Resources meeting, and a Commission on Aging meeting; on October 10th, he attended Tuolumne County Transportation Council (TCTC) meetings, on October 11th he attended a Sons in Retirement (SIRs) meeting, and met with Mr. Grossi; on October 12th, he met with constituents and attended an ATCAA Finance Committee meeting and ATCAA Board meeting; on October 15th, he attended the Mother Lode Job Training and Workforce meeting; and on October 16th, he met with constituents.

Reports-Royce

Supervisor Royce reported that on October 15, 2012, he attended a planning meeting regarding an Integrated Regional Water Management (IRWM) application.

Reports-Gray

Supervisor Gray reported that on October 8, 2012, he attended a Groveland Community Services Districts meeting; on October 10th, he attended a TCTC meeting and attended a Southwest Interface Team (SWIFT) meeting and toured the T-5 Ranches' a solar project; on October 11th, he attended a Yosemite Gateway Partners meeting; on October 12th, he attended the Tuolumne County Economic Development Authority (TCEDA) meeting; on October 13th, he attended

the dedication of Don Pedro Fire Station; and on October 15th, he attended the Board of Supervisors Transportation Committee meeting.

Reports-Pland

Supervisor Pland reported that on October 4, 2012, he attended the State Water Board meeting regarding the Pinecrest Lake levels; and meeting on Railtown situation; on October 5th, he attended the Eagle Scout Award Ceremony for Tait Mele; on October 6th, he attended the opening of the Kids Arts Studies Academy (KASA); on October 8th, he attended the Fit for the Future luncheon; on October 9th, he attended the Natural Resource Committee meeting; on October 10th, he tour of solar project and attended the TCTC meeting; and on October 15th, he attended the Governmental Affairs Council (GAC) meeting and attended the Transportation Committee meeting.

Reports-Pedro

Mr. Pedro reported that he attended the Sonora City Planning Commission meeting regarding property located behind the Tuolumne County Library; and on October 11-12, 2012, he attended a County Administrator staff retreat; and reported on the double billing for mobile homes.

Reports-Carrillo

Ms. Carrillo reported on all the Joint Powers Authorities; staff completed Customer Service Training; Drivdahl attended the Tuolumne Public Power Agency (TPPA); on October 4-5th, she provided training for Child Welfare Services and paternity training; and reported on upcoming training.

Reports-Clerk

Ms. Jamar reported that on October 11-12, 2012, she attended the County Administrator staff retreat.

Closed Session

The Board recessed at 11:09 a.m., to Closed Session **1) Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code Section 54957.6) - All Bargaining Units; and **2) Conference with Legal Counsel - Existing Litigation** (Authority: Government Code § 54956.9(a)) - Larry Busby vs. Central Sierra Planning Council, et al., Tuolumne County Superior Court Case No. CV57480, reconvening at 1:30 p.m., the Chair announced there was nothing to report and announced that Number 13 will be continued to later in the day.

Vacation of Public
Rd Easement-
Rush Creek

Public hearing was declared open to consider approving the vacation of a portion of a Public Road Easement known as Old State Highway 120 and also known as Old State Route 40E at the request of Coastal Development Company, LLC, Rush Creek Resort.

Marilyn Fitzsimmons, County Surveyor, presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

Discussion ensued.

On motion of Supervisor Gray, seconded by Supervisor Hanvelt, the following resolution was adopted by unanimous vote.

Resolution No. 63-12

Approving the vacation of a portion of a Public Road Easement known as Old State Highway 120 and also known as Old State Route 40E at the request of Coastal Development Company, LLC, Rush Creek Resort.

Vacation of Public
Rd Easement-
Penny Lane

Public hearing was declared open to consider approving the vacation of a portion of a 50-foot wide public road easement named Justice Way at the request of Penny Lane Investments, LLC.

Ms. Fitzsimmons presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

On motion of Supervisor Royce, seconded by Supervisor Hanvelt, the following resolution was adopted by unanimous vote.

Resolution No. 64-12

Approving the vacation of a portion of a 50-foot wide public road easement named Justice Way.

RZ-Morlan

Public hearing was declared open to consider **LYNDA MORLAN**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ12-008) 20.7+ acres to RE-10:MX, located at 18232 and 18235 Aarondale Road. It is a portion of Section 11, Township 1 North, Range 15 East; APN 97-230-04.

Ms. Shane presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the rezoning to RE-10:MX, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning district; **D)** The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines and adopted the following ordinance.

Ordinance No. 3209

A special ordinance amending Section 17.06.020 of the Tuolumne County

Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

RZ-Riedel

Public hearing was declared open to consider **JENNY RIEDEL, 1) Resolution (AP12-002) to enlarge Agricultural Preserve 19; 2) Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ12-010) 762.7+ acres to AE-37:AP; and 3) Application (WA12-001) to execute a new Williamson Act Land Conservation Contract, including approval of the Agricultural Management Plan, located on La Grange Road and Old Don Pedro Road. It is a portion of Sections 29, 30, 31 and 32, Township 1 South, Range 14 East; APNs. 64-220-33, -35 to -37.**

Ms. Shane presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve: **1) Agricultural Preserve Alteration, finding that: A) The project is consistent with the Tuolumne County General Plan; B) The project is in accordance with Tuolumne County Resolution 106-04; C) The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land; D) The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines; 2) Zone Change to AE-37:AP, finding that: A) The proposed Zone Change is consistent with the Tuolumne County General Plan; B) The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; C) The project site is suited to the uses permitted under the proposed zoning district; D) The proposed zone change is in accordance with Tuolumne County Resolution 106-04; and E) The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines; 3) land conservation contract, finding that: A) The project is consistent with the Tuolumne County General Plan; B) The project is in accordance with Tuolumne County Resolution 106-04; C) The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land; and D) The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines; and 4) the Agricultural Management Plan, finding that: A) The Agricultural Management Plan is consistent with the Tuolumne County General Plan; B) The Agricultural Management Plan is in accordance with the Tuolumne County Ordinance Code; C) The Agricultural Management Plan is in accordance with Tuolumne County Resolution 106-04; D) The Agricultural Management Plan is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land; E) Approval of the Agricultural Management Plan is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the State CEQA Guidelines, and adopted the following ordinance and resolution.**

Ordinance No. 3210

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Resolution No. 65-12

Approving the enlargement of Agricultural Preserve 19.

RZ-Thomason

Public hearing was declared open to consider **CHARLES AND SANDRA THOMASON**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ10-028) 10.2+ acres to RE-5:MX, 1.7+ acres to O, and 6.2+ acres to O-1, located at the end of Sunrise Drive, approximately 370 feet east of its intersection with Confidence Road. It is a portion of Section 10, Township 2 North, Range 16 East; APN 47-900-14.

Ms. Shane presented the staff report and responded to questions from the Board.

Richard James, Rick Hoffman and Sandra Thomason spoke in favor.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Royce and seconded by Supervisor Hanvelt, to approve the rezoning to RE-5:MX, O and O-1, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning district; **D)** The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines and adopted the following ordinance.

Ordinance No. 3211

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Discussion ensued.

Mr. James responded to questions from the Board.

Motion carried unanimously.

Closed Session

The Board recessed at 1:54 p.m., to Closed Session: **Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code Section 54957.6) - All Bargaining Units, reconvening at ____, the Chair announced there was nothing to report and adjourned the meeting at 3:22 p.m., to the next regular meeting scheduled for November 6, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: 

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